IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 28TH NOVEMBER 2007 / 7TH AGRAHAYANA 1929

WP(C).No. 14284 of 2006(A)

PETITIONER:

SUNDER WHEAT ROLLER FLOUR MILLS PVT. LTD., P.O.CHELEMBRA, MALAPPURAM DISTRICT, REP. BY ITS DIRECTOR, SUBIL P.S.

BY ADV. SRI.M.RAMESH CHANDER

RESPONDENTS:

1. KERALA STATE ELECTRICITY BOARD, REP. BY ITS SECRETARY, VYDYUTHI BHAVAN, THIRUVANANTHAPURAM.

2. SPECIAL OFFICER (REVENUE), K.S.E.B., THIRUVANANTHAPURAM.

3. DEPUTY CHIEF ENGINEER, K.S.E.B., ELECTRICAL CIRCLE, THIRUR.

4. ASSISTANT ENGINEER, K.S.E.B., ELECTRICAL SECTION, CHELARI, MANJERI.

*5. GOVERNMENT OF KERALA, REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT IN THE POWER (A) DEPARTMENT, THIRUVANANTHAPURAM.

*6. THE DISTRICT LABOUR OFFICER, MALAPPURAM.

(*IMPLEADED AS ADDITIONAL 5TH & 6TH RESPONDENTS IN THE WRIT PETITION AS PER ORDER DATED 25/07/06 IN WP(C) No. 14284/06)

BY ADV. SRI.JOSE J.MATHEIKEL, SC, KSEB
GOVERNMENT PLEADER
SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/11/2007, ALONG WITH WPC NO. 26408 OF 2006, WPC NO. 9173 OF 2007, WPC NO. 18153 OF 2007, WPC NO. 19728 OF 2007 & WPC NO. 19866 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) No. 14284/2006

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF GO(RT)NO. 64/06/PD DATED 21/02/2006.

P2 : COPY OF REPRESENTATION DATED 14/03/2006 BEFORE THE 2ND RESPONDENT BY THE PETITIONER.

P3 : COPY OF CERTIFICATE DATED 29/03/2006 ISSUED BY THE VILLAGE OFFICER, CHELEMBRA.

P4 : COPY OF CERTIFCATE DATED 27/03/2006 ISSUED BY THE SUB ENGINEER IN CHARGE OF ELECTRICAL SECTION, KSEB, CHELARI.

P5 : COPY OF CERTIFICATE DATED 28/03/2006 ISSUED BY DISTRICT LABOUR OFFICER, MALAPPURAM TO THE PETITIONER.

P6 : COPY OF CERTIFICATE ISSUED BY THE GENERAL MANAGER OF THE DISTRICT INDUSTRIES CENTRE, MALAPPURAM TO THE PETITIONER.

P7 : COPY OF NEWS ITEM THAT APPEARED in the MATHRUBHOOMI DATED 28/03/2006.

P8 : COPY OF NEWS ITEM THAT APPEARED IN THE MALAYALA MANORAMA DATED 28/03/2006.

P9 : COPY OF ORDER BEARING NO.HTB-6/636 DATED 25/03/2006 ISSUED by the 2ND RESPONDENT.

RESPONDENT'S EXHIBITS

R2(a) : COPY OF THE BREAK UP DETAILS.

R2(b) : COPY OF BOARD ORDER DATED 12/04/2006.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) Nos. 14284, 26408 of 2006,
9173, 18153, 19728 & 19866 of 2007

Dated, this the 28th day of November, 2007

J U D G M E N T

All these petitions are filed by the industries, which are closed. In most of the cases the supply of electricity was disconnected and installations were dismantled. The Government gave some incentives like waiver of MD charges to such industries, which started production by 30/06/2007. Petitioners did not avail the benefit. According to the petitioners, even though they approached the Government, they were not granted connection on account of non-clearance of previous arrears. I do not think there is anything in these cases that requires adjudication by this Court. Since the Government has to encourage re-starting of closed industrial units, it is for the Government and the KSEB to co-ordinate with each other and consider the proposal for re-starting the industries and if there are bona fide cases, the Government and the Board can extend the time for payment and lay down all other conditions for restoring electricity supply. Petitioners are free to make representation with their proposals for re-starting the industrial unit and subject to Government Orders KSEB can demand part or full clearance of arrears for restoring connections.

These writ petitions are closed with the above observation.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg